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Filing date: **04/08/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	FWHG IP Holdings LLC		
Entity	limited liability company	Citizenship	Illinois
Address	Suite 203 171 West Wing Street Arlington Heights, IL 60005 UNITED STATES		

Attorney information	Boris Umansky Ladas & Parry LLP 224 S. Michigan Avenue, Suite 1600 Chicago, IL 60604 UNITED STATES CHIUSTM@LADAS.NET Phone:3124271300
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Registration Subject to Cancellation

Registration No	3810357	Registration date	06/29/2010
Registrant	BR Consulting, Inc. P.O. Box 2155 Sedona, AZ 86339 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2003/04/15 First Use In Commerce: 2003/04/15 All goods and services in the class are cancelled, namely: Restaurant and cafe services; catering services
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation based on non-use (with Exhibit).pdf(3187528 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Boris Umansky/
Name	Boris Umansky
Date	04/08/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FWHG IP HOLDINGS LLC,)	
)	Cancellation No. _____
Petitioner,)	
)	Mark: MAGO CAFÉ
v.)	
)	Registration No. 3,810,357
BR CONSULTING, INC.)	
)	Date of Issue: June 29, 2010
Registrant-Respondent)	

PETITION FOR CANCELLATION

Petitioner, FWHG IP Holdings LLC, a limited liability company organized and existing under the laws of the State of Illinois, with a business address at Suite 203, 171 West Wing Street, Arlington Heights, Illinois 60005, believes it is or will be damaged by the continued registration of the mark shown in Registration No. 3,810,357 for MAGO CAFÉ, and hereby petitions to cancel same.

Respondent BR Consulting Inc. filed the application for MAGO CAFÉ on November 5, 2009. The mark was registered on the Principal Register for “Restaurant and cafe services; catering services” in Class 43 on June 29, 2010, and claims a date of first use of the mark in commerce in connection with the identified services on April 15, 2003. A copy of the registration certificate for Registration No. 3,810,357 is attached hereto as Exhibit A.

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is the owner of record of the following pending Federal trademark applications: Serial No. 86/155,443 for the mark MAGO GRILL & CANTINA and Serial No. 86/155,419 for the mark MAGO GRILL & CANTINA and Design, both covering “Restaurant and bar services” (hereinafter “Petitioner’s Marks”).

2. Petitioner's Marks for use in connection with the above-identified services have been refused registration based on an alleged likelihood of confusion with Respondent's Registration No. 3,810,357.

3. Upon information and belief, Petitioner alleges that Respondent is no longer using the mark MAGO CAFÉ in United States commerce in connection with "Restaurant and cafe services; catering services."

4. Upon information and belief, Petitioner alleges that Respondent has abandoned any rights in Registration No. 3,810,357 within the meaning of 15 U.S.C. 1064(3).

5. Petitioner is being and will continue to be damaged by continued registration of Respondent's mark MAGO CAFÉ.

WHEREFORE, Petitioner requests that Registration No. 3,810,357 for the mark MAGO CAFÉ be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,



Date: April 8, 2015

Boris Umansky
LADAS & PARRY, LLP
224 South Michigan Ave.
Suite 1600
Chicago, Illinois 60604
Phone (312) 427-1300
Attorneys for Petitioner

CERTIFICATE OF FILING AND SERVICE

This Petition for Cancellation is being filed electronically through the ESTTA system.
The filing fee of \$300.00 required in §2.6(a)(16) is being paid concurrently herewith.

Petitioner's Petition for Cancellation is being served on the date indicated below by
USPS First Class Mail on Respondent at the following address of record as shown in the Office's
records:

BR Consulting, Inc.
P.O. Box 2155
Sedona, Arizona 86339



Date: April 8, 2015

EXHIBIT A

United States of America

United States Patent and Trademark Office

MAGO CAFÉ

Reg. No. 3,810,357

Registered June 29, 2010

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

BR CONSULTING, INC. (NEW JERSEY CORPORATION)
P.O. BOX 2155
SEDONA, AZ 86339

FOR: RESTAURANT AND CAFE SERVICES; CATERING SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-2003; IN COMMERCE 4-15-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,649,311.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CAFÉ", APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF "MAGO" IN THE MARK IS MOTHER EARTH.

SER. NO. 77-866,250, FILED 11-5-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office